

# **MINUTES OF THE COMMISSION FOR HUMAN RIGHTS**

**FEBRUARY 26, 2016**

A meeting of the Commission for Human Rights was held on Friday, February 26, 2016. Present at the meeting were Commissioners John B. Susa, Chair, Tolulope Kevin Olasanoye and Camille Vella-Wilkinson. Absent were Commissioners, Angelyne E. Cooper, Esq., Alberto Aponte Cardona, Esq., and Iraida Williams. Commissioner Lee arrived at 12:30 pm. The meeting commenced at 12:20 p.m.

Commissioner Olasanoye moved for approval of the minutes of January 29, 2016. The motion was seconded by Commissioner Vella-Wilkinson and carried.

## **Status Report of Michael D. Évora, Executive Director**

A written report was handed out. All new information is in bold print.

**Case Production Report – Attached**

**Aged Case Report – Attached**

**Outreach Report – Attached**

## **STATUS REPORT – COMMISSIONERS**

**OUTREACH:** Commissioner Vella-Wilkinson reported that the Secretary of State and the Commission will be conducting an outreach in mid April at the Warwick Pilgrim Senior Center. The Commission will be focusing on housing and landlord tenant issues. Commissioner Vella-Wilkinson reported that the Newly appointed Rhode Island Director of Veterans Affairs, Kasim Yarn, will attend a Bootcamp breakfast in late Spring.

Commissioner Vella-Wilkinson also reported she will be attending a Bootcamp breakfast in Middletown next Saturday with the Rhode Island Waves.

**Commissioner Meeting -2- February 26, 2016**

**GENERAL STATUS:** Letters requesting Commissioner re-appointments will be mailed to the Governor on Monday along with the Commissioner Guidelines.

A discussion on the revised Commissioner guidelines was held. Commissioner Lee moved to approve the Commissioner Guidelines

**as amended. The motion was seconded by Commissioner Olasanoye and carried.**

**STATUS REPORT – LEGAL COUNSEL: Cynthia Hiatt and Francis Gaschen**

**LITIGATION: The Commissioners reviewed pending litigation in which the Commission has a role. Report attached.**

### **GRANT PROPOSAL**

**Discussion was held on applying for a HUD grant for a joint project with Roger Williams University Law School on housing testing. Dr. Susa moved to authorize the Commission staff to prepare to submit a grant proposal when HUD issues its annual Notice of Funding Availability. The Motion was seconded by Commissioner Lee and all were in favor.**

**LEGISLATION: The Commissioners discussed the status of pending legislation.**

**DECISION: No discussion at this time.**

**HEARING SCHEDULE/STATUS OF HEARING CASES: The hearing schedule was discussed.**

**The meeting adjourned at 1:35 p.m. The next regular meeting of the Commission is March 25, 2016 at 12:00 noon.**

**Respectfully Submitted,**

**Michael D. Évora  
Executive Director**

**Notes taken by B. Ross  
EXECUTIVE DIRECTOR'S  
REPORT TO COMMISSIONERS  
26 February 2016**

**I. BUDGET**

**S = State/General Revenue; F = Federal (EEOC/HUD); T = Total**

|          | <b>FY 2016</b>   | <b>FY 2016</b>     | <b>FY 2016</b>   | <b>FY 2017</b>   | <b>FY 2017</b>        | <b>FY 2017</b>     |
|----------|------------------|--------------------|------------------|------------------|-----------------------|--------------------|
|          | <b>(Enacted)</b> | <b>(Rev. Req.)</b> | <b>(Revised)</b> | <b>(Request)</b> | <b>(Constr. Req.)</b> | <b>(Gov. Rec.)</b> |
| <b>S</b> | <b>1,252,174</b> | <b>1,247,562</b>   | <b>1,243,892</b> | <b>1,261,749</b> | <b>1,181,192</b>      | <b>1,258,128</b>   |
| <b>F</b> | <b>295,386</b>   | <b>310,874</b>     | <b>310,874</b>   | <b>323,295</b>   | <b>323,295</b>        | <b>323,295</b>     |
| <b>T</b> | <b>1,548,010</b> | <b>1,558,436</b>   | <b>1,554,766</b> | <b>1,585,044</b> | <b>1,504,487</b>      | <b>1,581,423</b>   |

**The House and Senate passed the state's FY16 (and FY15 Final) budgets. The particulars for the Commission are noted above.**

**The Commission's FY16 (Revised Request) and FY17 (Request) budgets were submitted to the Budget Office on September 17, 2015. Details are noted above. Per the Budget Instructions, every state agency was asked to submit a two-tiered budget request for FY17, one assuming regular funding (unconstrained), and one assuming a 7.5% reduction in General Revenue (constrained). The Commission submitted Impact Statements advising the Governor, Budget Office and General Assembly of the impact that implementation of the constrained budget would have on our mission/strategic plan.**

**On January 15, I submitted the Commission's FY16 Second Quarter Report to the Budget Office and House/Senate Fiscal Advisors, as required by state law. The Report projects a surplus in General Revenue of \$4,612 at the close of FY16; a deficit of \$15,038 is projected in our federal accounts at the close of FY16. This projected**

**federal deficit does not take into account our increased HUD contract (signed September 2015), which is expected to cover the deficit.**

**At the beginning of this month, the Governor submitted her budget recommendations to the General Assembly. Details for the Commission are highlighted above. The Governor did not recommend that the Commission be funded at the constrained request level; her recommendation includes funding for our full current FTEs.**

## **II. FEDERAL CONTRACTS**

**EEOC – For federal FY12 (ending September 30, 2012), according to EEOC Project Director Marlene Toribio, we closed 237 co-filed cases.**

**Our contract with EEOC for FY12 was for 235 cases. For federal FY13 (ending September 30, 2013), we closed 201 co-filed cases. Our contract with EEOC for FY13 was for 199 cases. For federal FY14 (ending September 30, 2014), we closed 232 co-filed cases. Our modified contract for FY14 was for 230 cases. For federal FY15 (beginning October 1, 2014), we closed 212 co-filed cases. Our modified contract for federal FY15 was for 210 cases. For federal FY16 (beginning October 1, 2015), we have closed 82 co-filed cases. Our contract with EEOC is not yet known.**

**HUD – For FY14, we took in 49 new housing charges, 47 of which were co-filed with HUD, and we processed 51 cases, 50 of which were**

co-filed with HUD (three of these processed cases were post-PC conciliations). For FY15, we took in 101 new housing charges, 66 of which were co-filed with HUD. (32 were not eligible for co-filing and three were deferred to HUD for investigation.) We processed 94 cases, 65 of which were co-filed with HUD; two of these processed cases were post-PC conciliations. For FY16 (beginning July 1, 2015), we have taken in 48 new housing charges, 44 of which are (or are expected to be) co-filed with HUD. Within this same time period, we have processed 61 cases, 45 of which were co-filed with HUD; 20 of these processed cases were post-PC resolutions.

**HUD PARTNERSHIP GRANTS –** Because the LGBT/Domestic Violence Victims projects came in under budget, HUD agreed to permit us to use leftover grant funds to produce a general fair housing brochure, poster and Power Point presentation for use in outreaches going forward, and to conduct five fair housing outreaches throughout the state. A general fair housing poster and brochure have been drafted and approved by HUD. We now await word on the pending “military status” amendment to the state fair housing law before proceeding with translation, printing and distribution. The military status bill was signed by the Governor and is now law. HUD has approved the final brochure and poster designs. They have been translated into five languages and we have received them for distribution. The requisite outreaches have been completed; the final report has been submitted to HUD for approval and final payment.

**III. PERSONNEL – The Commission has undertaken a pay equity study to determine the disparity between salaries at the Commission and those of comparable positions in state service. Following the December directive from Commissioners, I met with the Governor’s Deputy Chief of Staff and the Director of the Dept. of Administration on January 7 to discuss the issue of appropriate pay grade increases for all staff. At the request of the DOA Director, I forwarded relevant information/ documentation to him on January 8, to be reviewed and considered by DOA/HR staff. Follow-up meetings were held with the Deputy Director of DOA on February 19 and 26.**

**IV. OUTREACH – Refer to attached report.**

## **V. GENERAL STATUS**

**&#9679;Meetings with staff members – I continue to meet monthly with individual investigative staff members to monitor case production.**

**&#9679;Case Closures – Refer to attached report.**

**In FY11, we processed 422 cases; in FY12, we processed 411 cases (approx. 3.5% decrease). For FY13, we processed 389 cases (approx. 5% decrease from FY12). For FY14 (beginning July 1, 2013), we processed 376 cases (decrease of approx. 3% from FY13). For FY15, we processed 425 cases, a 13% increase over cases processed in FY14. For FY16 (beginning July 1, 2015), as of the end of January, we**



have processed 247 cases (compare to 210 cases in this same time period in FY15).

•Aged Cases – (Report attached) There are two aged cases in the Commission's inventory for federal FY16 (beginning October 1, 2015). Both of these cases, which involve the same respondent which is in receivership, are in investigation. The Investigator has worked with Legal Counsel Frank Gaschen to attempt to obtain information from the attorney handling the receivership.

•Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 1998. We ended FY11 with 323 cases in inventory, FY12 with 255 cases, FY13 with 265 cases, and FY14 with 290 cases. As of 2/25/16, we had a total of 299 cases in inventory; 10 of these cases were pending assignment.

•Annual Report – The FY15 Annual Report is now available and has been posted on our website. Copies have been mailed to the Governor and key members of her staff, Budget Office officials, House and Senate Fiscal Advisors and key members of the General Assembly, officials at HUD and EEOC and various community organizations. Per the requirement of state law, 25 copies have been delivered to the State Law Library.

•Potential Partnership with Roger Williams University Law School – On October 29, Frank Gaschen, Legal Counsel, and I met

with officials from RWU Law School to explore the possibility of RWU Law instituting a Fair Housing Clinic focused on housing testing. We will be following up this initial meeting with HUD to explore funding possibilities.

Legal Counsel Frank Gaschen and I met with officials from RWU Law, HUD and Suffolk University School of Law on February 9 to discuss grant/funding opportunities. Frank is following up with RWU Law in anticipation of the release of HUD's Notices of Funding Availability.

**&#9679;Records Retention** – On December 21, 2015, I submitted Records Retention Schedule Amendment Forms to the Secretary of State/State Archives and Public Records Administration to amend the Commission's Records Retention Policy. The proposed changes are as follows:

- >Closed case files** – current policy requires retaining for ten years after closure (or final decision on appeal); proposed amendment seeks to change the retention period to seven years;
- >Stayed case files** – current policy requires retaining permanently; proposed amendment seeks to change the retention period to seven years after decision/court closure (or end of litigation);
- >Records related to suits against agency** – current policy requires retaining for ten years after end of litigation; proposed amendment seeks to change the retention period to seven years;
- >Letters of complaint** – current policy requires retaining for ten years; proposed amendment seeks to change the retention period to seven years.

**The amendment request must be approved by the State Archivist, the Attorney General and the Auditor General.**

**&#9679;HUD Onsite/Performance Assessment – HUD conducted an onsite visit on March 16 as part of its annual performance assessment process. During the course of the on-site, HUD officials conducted staff interviews and reviewed case files. We continue to await HUD’s report/ conclusions.**

**Respectfully submitted,**

**Michael D. Évora  
Executive Director**

**Attachments**